UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.II/L.24
4 September 1991

Original: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third Session
Geneva, 12 August-4 September 1991
Working Group II
Agenda item 2

PROTECTION OF THE OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

Options for Agenda 21

Programme areas:

MANAGEMENT OF HIGH SEAS: LIVING MARINE RESOURCES and SUSTAINABLE USE OF LIVING MARINE RESOURCES UNDER NATIONAL JURISDICTION

Proposal submitted by Algeria, Colombia, Chile, Mexico, Sweden, Uruguay and Venezuela

For the division of Marine Living Resources, taking into account amendments suggested by delegations as registered in A/CONF.151/PC/WG.II/L.18, into two programme areas, as originally proposed in A/CONF.151/PC/42/Add.6, which are "Management of High Seas: Living Marine Resources" and "Sustainable Use of Living Resources Under National Jurisdiction".

GE.91-72581/3698B

MANAGEMENT OF HIGH SEAS: LIVING MARINE RESOURCES

Basis for action

1. While high seas fisheries contribute to the effective utilization of resources and to the world supply of protein, management performance on the high seas, has not infrequently been unsuccessful and many resources are overfished. [Management performance on the high seas has not always been successful and several types of resources are overfished]. In a number of high seas areas, the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) are not being implemented as intended. [There are problems of unregulated fishing, vessel reflagging to escape controls, fishing practices such as large-scale pelagic driftnetting and overfishing, lack of surveillance, control and enforcement and, in general, lack of the required cooperation with other States.]

Objectives

[2. Fisheries [must] be managed through ecosystem, multi-species management approaches on the basis of sustainable ecologically sound practices consistent with the best available scientific information, and must be effectively monitored and enforced, in order to ensure conservation and promote optimum utilization of the living resources.

3. Ecosystem and multi-species approaches must be developed and implemented to preserve the biological diversity and productivity of marine species and maintain the ecological relationships among populations of such species.]

4. Selective fishing gear and practices should be used to [avoid] [minimize] significant waste of catch of target populations of marine species and the significant bycatch of non-target species.

[5. The full implementation of General Assembly Resolution 44/225 on large-scale pelagic driftnet fishing.]

6. [On the high seas, States fishing a stock which straddles the 200 mile limit of a coastal state, [or highly migratory species which are found within that [limit], [must] take all measures necessary to give effect to the special interest and responsibility of the coastal State concerning the portion of the stock outside the 200 mile limit [and in the highly migratory species while outside that limit]. High seas fishing [must] not have an adverse impact on the resources under the jurisdiction of coastal States].

7. Over the next few years, effective regional and international mechanisms and strategies should be developed and implemented where appropriate, through cooperation between high seas fishing states, coastal states and relevant international organizations and existing regional and international mechanisms should be reinforced where appropriate:

(a) To conserve and make full sustainable use of the living marine resources of the high seas, and to improve the status of those which are depleted.

(b) To define and identify management units based on large marine ecosystems concepts.

(c) To provide for the negotiation of appropriate international agreements.

(d) To establish appropriate exploitation regimes for stocks whose life cycles encompass both the high seas and EEZ's.

Activities

General

[8. [Assessment] [Promotion] of fishing methods to minimize adverse impacts of fishing on target and non-target species, other users and marine ecosystems;]

9. Assessment of fishing methods and banning of unsustainable fishing techniques, such as large scale pelagic driftnet fishing in accordance with General Assembly resolution 44/225, in order to minimize adverse impacts of fishing on target and non-target species, other users and marine ecosystems.]

10. Development and sharing of analytical and predictive tools such as stock assessment and bioeconomic models to assist in risk management and decision-making.

11. [Cautious handling of] [Harmonizing with] all situations dealing with risk, uncertainty and irreversibility.

12. Integration of environmental factors in management;

13. Acquisition of all the data, current and historic, necessary for effective management of fisheries resources including data on catch and effort, by-catch and the impact of the fishing on other users and the marine environment;

14. Promotion of regional fisheries management bodies [to cover the gaps in the existing coverage of the world's oceans;]

15. [Marine mammals. Continuing consultations.]

- Affirm the validity of the 1972 United Nations Conference on the Human Environment recommendation that there should be a 10 year moratorium on Commercial Whaling and call for its full implementation by extending the present moratorium on commercial whaling until 1995/96.

- Welcome the IWC report on small cetaceans and urge IWC to continue to strengthen this work, and governments specifically concerned to act promptly on the recommendations of the IWC's Scientific Committee on this issue.

- Call for an international conference with the widest possible participation to be convened by 1995 to review the international machinery for the protection of all cetaceans, and to consider the most effective means for providing cetacean research, conservation and management into the twenty-first century.]

  [Support the International Whaling Commission in its efforts to ensure proper and effective conservation and development of large whale stocks.

  Same efforts for conservation of other depleted or endangered marine mammals should be made by countries and appropriate international bodies.]

[- Acknowledge the principles of sustainable use in all dealings with marine mammals resources, and recognize the special needs of developing countries and indigenous peoples of the marine resources of their nutritional and economic development.

- Support the IWC in its efforts to restore stocks of highly migratory species of whales and call for increased scientific research and advice to fulfil this effort.

- Support scientific research on small cetaceans with the aim of creating national and regional conservation of these species.

- Support the Bonn Convention in its efforts to promote the establishment of regional agreements on management and conservation of small cetaceans.

- Call on the governments to review and strenthen all possible efforts to counteract pollution threats to all marine mammals.]

16. [Polar regions and specific seas].

[Delete]

[The Antarctic Treaty Parties that singling out Antarctica to be identified as a specific regional issue for consideration by UNCED is inappropriate for the following reasons:

- The Antarctica Treaty provides a tried and tested basis for managing activities in Antarctica.

- In the carefully drafted General Assembly resolution 44/228, neither Antarctica nor any other specific region has been identified as one of the UNCED priority areas.

- UNCED already has a hardly manageable workload; identifying specific regions for priority action within the proposed Agenda 21 would open the doors to unravel a carefully negotiated settlement on priority issues and areas as contained in resolution 44/228.

Consistent with this approach therefore, the Treaty Parties will oppose the inclusion in a possible Agenda 21 of specific references to Antarctica such as those contained inter alia in paragraphs 18, 20, and 34 of document PC/42/Add.6 or as proposed by some distinguished delegates in the course of our debate.]

- [In the Polar regions, through United Nations involvement, to improve and introduce the anticipatory approach and adopt and implement an Antarctic Conservation Strategy, the Arctic Environment Protection Strategy and promote the Arctic Monitoring and Assessment Programme.

The following elements should be included:

- To establish a sanctuary for all cetaceans in its traditional natural habitat.

- Call upon the ATCP to protect and improve the status of living resources in the Antarctic region, including marine ecosystems and report regularly to the United Nations on its status through the General Assembly.

In relation to Maintenance of Ecosystem and Marine Biodiversity, the following elements should be included:

(a) Call for efforts to prevent overfishing including the banning of prospecting and mining in Antarctica so as to ensure the protection of its environment is for the benefit of all mankind.

(b) Call for the establishment of a nature reserve or World Park in Antarctica which constitute an integral part of the global commons.

In relation to Strengthening International Institutions and Legal Instruments, the following elements should be included:

- To establish a United Nations sponsored station in Antarctica with the view to promoting coordinated international cooperation in scientific research for the benefit of mankind, particularly the importance of Antarctica to the global environment and ecosystems, as well as an early warning system on climate change and accidents.

- Call for the widest possible participation of the international community to review and negotiate a comprehensive convention on the Conservation and Protection of Antarctica.]

Management Related

17. States [must] effectively monitor and control fishing activities of their nationals, vessels and crews thereof to ensure the conservation of the resources, compliance with applicable conservation and management rules, complete and accurate reporting of catches and effort, and [avoidance] [minimization] of incidental catch.

18. States [must] ensure that vessels authorized to fly their flag comply with the [applicable] conservation and management rules adopted by competent international [or regional] organizations or, where no such organization exists, through other [international] arrangements.

19. States [must] establish penalties under domestic law, and take legal action against their nationals, vessels and crews thereof, for any violation of [applicable] rules adopted by competent international [or regional] organizations or, where no such organizations exist, through other [international] arrangements, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States must take similar action for any violation of domestically instituted conservation and management rules.

20. States whose nationals or vessels fish in the same area of the high seas [must] cooperate to establish international [or regional] arrangements or organizations to ensure sustainable and optimally developed fisheries through effective conservation and management regimes, including as appropriate [reciprocal inspection and] enforcement systems and dispute settlement mechanisms.

21. [States [must] cooperate with competent international organizations or, where such organizations do not exist, through other international arrangements, and ensure that their nationals, vessels and crews thereof, do not violate rules adopted pursuant to such regimes].

22. In areas of the high seas where a management regime has been agreed within the framework of a [competent international [or regional] organization] or, where such an organization does not exist, through another [international] arrangement, States [must] ensure that high seas fishing is undertaken only in accordance with the conservation and management rules adopted under that organization or arrangement.

23. [With respect to a stock occurring both within the exclusive economic zone of a coastal State and in an area of the high seas adjacent to it, the management regime applied to the stock [must] provide for consistency of the measures applied on the high seas with those applied by the coastal State within its exclusive economic zone; [high seas fisheries [must] not be directed toward the stock when the stock is fully utilized by the coastal state within its exclusive economic zone].

24. [With respect to a highly migratory species, the management regime on the high seas [must] fully recognize the sovereign rights of the coastal State in its exclusive economic zone and, taking into account the special interest of the coastal State in the species while outside its zone, avoid adverse impact on the resources within that zone].

Data and Information

25. The transparency of high seas fishing activities [must] be ensured. States [must] make available to appropriate international [or regional] organizations all relevant data relating to catches on the high seas. The

relevant international [or regional] organizations should establish appropriate monitoring programmes including the standardized collection of scientific data and the deployment of scientific observers.

Global and Regional Cooperation and Coordination

26. The international community should strengthen capacities for collaboration between regional and global [international] fishery bodies [dealing with conservation and management of the oceans and seas. The], the United Nations Environment Programme Regional Seas Programme should be strengthened and the following action should be taken:(20)

(a) Relevant United Nations or other international Agencies should develop guidelines for better implementation of the Law of the Sea Convention (UNCLOS). FAO should prepare technical guidelines on responsible fishing in the high seas.

(b) Countries together with relevant international fisheries organizations and United Nations Agencies should establish programmes and special agreements to protect endangered species and stocks and to establish appropriate exploitation regimes for all stocks and species including those whose life cycles encompass both the high seas and EEZs. [This should include banning unsustainable fishing techniques and practices and restriction of less sustainable techniques and practices.][Delete.]

27. Relevant United Nations bodies and other international agencies could develop collaborative technical and research programmes to improve understanding of species life cycles and migration, identifying critical areas and life stages.(21)

(a) Countries with the assistance of relevant United Nations and other international Agencies and non-governmental organizations, could identify linkages between EEZs and high seas resources and could develop further the concept of large marine ecosystems and its potential for practical application in ocean management regimes.

[(b) FAO and other international agencies should assess resources potential, optimal fishing regimes and acceptable levels of exploitation and develop reliable international monitoring, control, surveillance and enforcement systems.]

(c) Regional fisheries bodies should link information systems which have part of the high seas ecosystem under their responsibility and inventory all stocks (target and non-target) in order to set up rehabilitation measures where appropriate.

(d) GATT assisted by the FAO, should strengthen international technical cooperation mechanisms in relation to high seas stock-commodities with a view to identifying and eventually eliminating inappropriate trade barriers and assisting in preventing the evasion of international management regimes.

[28. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.]

Means of Implementation and Resource Requirement

Human Resources

(To be completed)

Scientific and Technical Infrastructure

(To be completed)

Financing and Costing

(To be completed)

D. SUSTAINABLE USE OF LIVING MARINE RESOURCES UNDER NATIONAL JURISDICTION.

Basis for action

29. The conservation and management of marine living resources should take place on the basis of sustainable utilization. This is of social, economic and nutritional importance, and contributes to national food security, not least to developing countries and indigenous peoples. The special status of indigenous peoples should be recognized including their rights to utilization and protection of their habitats on a sustainable basis.

30. World oceans yield about 80-90 million tons per year, 95 per cent of which comes from EEZs. They provide healthy food and livelihoods to millions of people in coastal areas. However, many countries continue to face mounting problems related to implementation of their rights and obligations under UNCLOS, including local overfishing, [poor management performance] unauthorized incursions by foreign vessels, ecosystem degradation, increased stock fluctuations, overcapitalization, excessive fleet sizes, inefficiently selective gear, unreliable databases and inadequate information about their resource base, increasing competition between artisanal and industrial fishing and between fishing and other types of activities. (22)

31. Problems extend beyond fisheries. Coral reefs and other largely tropical coastal habitats such as seagrass communities, mangroves and estuaries among the most highly diverse, integrated and productive of the earth's ecosystems. They often serve important ecological functions, provide protection from hazards of the open sea, and are critical natural resources for food, energy, and economic development. In various parts of the world such coastal and marine systems are under stress or threatened due to factors ranging from local cultural practices to changes in sea temperature and or sea level.

[Objectives

32. The objective would be to build national capacity over the next 10 years to make full sustainable use of the EEZs. (23)

General

33. [States must] [States in accordance to their national legislation and policies could] ensure as far as practicable that human activities do not result in the decrease of any population of marine species with special attention to marine mammals and sea turtles, below a level at which its recruitment is stable, but preferably not below a level close to that which ensures the greatest net annual increment: populations of marine species that have been depleted by harvesting should be restored to these levels.

34. Data and information [must] [should] be obtained [by States with the cooperation of international organizations], including verifiable catch and effort statistics, on the commercial harvesting of populations of marine species, including by-catch, adequate to reliably assess and predict the effects of such harvesting.

35. Selective fishing gear and practices should be used to [avoid] [minimise] significant waste of catch of target populations of marine species and the significant bycatch of non-target species.

36. States should ensure that each population of marine species that is the target of fishing [exploitation] activities is harvested in areas and at the stage of its life cycle that ensures maximum economic efficiency, consistent with these principles.]

37. Fish [marine species] for human food, should take priority over other uses, and the amount available for human food should be increased by avoiding wastage and improving techniques of capture [harvest], handling and transportion.]

Capacity Building

38. Each coastal country could establish:

(a) A unified policy framework and intergovernmental mechanisms for coastal management and marine resources management through a permanent consultation between the decision-makers and the users.

(b) Procedures to involve the coastal communities the academic and private sector in the development and implementing programmes. (64)

39. Member States could create an interministerial mechanism, within the national planning and development bodies, for policy-making and long-term planning on oceans and coastal areas. The main tasks could include the following:

(a) Rationalize and/or coordinate sectoral responsibilities for oceans and coastal areas within governments and establish a reviewing mechanism to up-date and enforce relevant national legislation to ocean management and coastal development.

(b) Establilsh advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public.

(c) Include institutional capacity building in agreements between development aid bodies and developing country institutions. (66)

40. Relevant regional agencies could assist coastal countries in improving the scientific, technological, professional and related institutional capacities.

(a) Identify existing capabilities and existing facilities within the countries of the region; determine the needs of human resources, the scientific and technical infrastructure required and potential for expansion in regional marine and coastal areas research, training, management and technologies.

(b) Establish and maintain regional centres capable of assisting countries in analysing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and monitoring programmes with predictive capabilities.

(c) Prepare national and regional contingency and emergency plans, standard techniques for monitoring species and habitats and develop geographic information systems for spatial planning in coastal areas. To establish the appropriate legislation to protect the marine and coastal ecosystems.

(d) Create special programmes to assist island States to integrate environment and development in the planning process for their limited areas and resources.

(e) Establish programmes on marine environmental education and enhance public awareness of the role of the marine environment for society. (68)

Management Related

41. Coastal states could establish systems to regulate access through licensing, explicit user's rights, limited entry, space allocation, closure zones and economic instruments; and domestic and international collaborative mechanisms on issues related to migratory fish [and long range fleet monitoring and control.]

42. Coastal States could strengthen environmentally sound artisanal fishing technologies, collaborate with traditional coastal communities for the elimination of unsound ones, and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms.

43. Coastal States could ensure that, in their negotiation and implementation of international agreements on the conservation of living marine resources, indigenous peoples are represented and their interests in particular their right to subsistence, are secure.

Data and Information

44. Coastal states together with United Nations and other international agencies could complete/update living resource and critical habitat inventories of EEZs, at national and regional levels (coastal wetland, mangroves, seagrass beds, etc.) and develop legislation to protect them. FAO could develop methodologies to improve assessments in data-limited situations for the analysis of interactions between sectors and management under uncertainty. (25(a))

45. Coastal States could establish and improve data collection systems, and, when appropriate, provide the necessary data to regional and global fisheries bodies.

Capacity Building

46. National policy, legal and regulatory frameworks could be completed with the assistance of relevant international organizations looking toward improved enforcement capacity, investment and financing including joint venture agreements, regulation of access, enhancement of small-scale fisheries, the improvement of seafood quality and rationalization of trade. (24)

47. Information systems, training and management-oriented research programmes could be implemented to provide a framework incorporating the ecosystem management approach at the national and regional level. (25)

48. Mariculture and coastal aquaculture potentials could be developed. National analyses for potential mariculture, coastal aquaculture (areas, species and methodologies) and other improvements e.g. artificial reefs, in each developing coastal country could be developed within ten years within a framework of Integrated National Planning.

49. Coastal States could take steps to enhance the productivity and utilization of their marine living resources in terms of food production and income production from food products, pharmaceutical products, and recreational, cultural and aesthetic uses.

50. Coastal states could develop systems for the recognition, recording and application of community based traditional knowledge concerning marine resources and ecosystems and incorporate them into modern management systems in collaboration with the people and community concerned. (29(d))

Global and Regional Cooperation and Coordination

51. Relevant United Nations and other international agencies should assist coastal countries to complete their legal and policy frameworks in line with UNCLOS, as well as to improve management methods including control and

surveillance and provide assistance to developing countries for research and development of economic uses of marine living resources. They should prepare guidelines for [responsible] [environmentally sound] fishing with a view to reduce wastes, protect endangered species, reduce pollution [from fishing] and improve fishing gear efficiency and selectivity. [They should also provide for the transfer of environmentally sound technology to developing countries to develop their fisheries, and to replace fishing practices identified as harmful to marine species.] [As related to fishing practices which become harmful to marine species because of significant ways of catch or significant bycatch of non-target species, in relation to the development of new technologies, new standards should be reached through international agreements. These agreements will provide for the transfer of the new environmentally sound technology to developing countries and the provision of new additional funds for its implementation.] (24(a))

52. Relevant United Nations and other international agencies should prepare a set of guidelines for potential application of a precautionary approach to living resources management; the concept of the Marine Catchment Basin for enclosed seas, as well as the ecosystem management approach and "large marine ecosystems" concepts, including the practical implications and applications. (25(c))

53. FAO should prepare guidelines for [responsible and] environmentally sound intensive aquaculture t. reduce environmental impacts and develop plans for basic, strategic and applied research especially on rural aquaculture. (26(b))

54. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.]

55. The international community should develop/improve markets to promote direct human consumption of fish and to enhance the contribution of subsistence fisheries. (27(c))

56. Relevant United Nations Agencies should establish a methodology to assess the nutritional and health impacts of fishery policies and projects. (27)(d))

57. Relevant United Nations programmes and agencies could provide to traditional coastal communities of indigenous peoples and, in developing countries, to subsistence fishermen [fisherfolk] the technical and financial assistance to organize and maintain global networks for the exchange and improvements of traditional and scientific knowledge of marine resources, their protection and environmentally sound use; and for the study and development of traditional management systems.

Means of Implementation/Resource Requirements

58. Relevant United Nations Agencies, donor community and development agencies could adopt a funding coordinating mechanism to assist all coastal States to build national and regional capacities for ocean and coastal areas management.

Human Resources

59. The regional bodies could develop multidisiplinary training and research on marine living resources, particularly in social and economic sciences as well as in the use of geographical information systems. (25(b))

60. A framework to support artisanal fisheries and small-scale use of living marine resources and, in developing countries, subsistence fishermen could be developed at national and regional levels and encourage equitable participation of women and indigenous peoples. (29)

61. Countries could integrate small-scale fisheries development in coastal zone planning, and create and encourage representation of fishermen and communities in planning management bodies. (29(a))

62. Countries could encourage for community-based users, including traditional coastal communities, women's groups and minorities/indigenous people, increased rights and responsibilities for management and enforcement [on fishing and non-fishing concerns including eco-tourism]; allocate marine resources equitably among small-scale, large-scale and sport fisheries [providing priority for the subsistence of minorities/indigenous peoples]; and set a system for small-scale fishworker rights. (29(b))

(B) Scientific and Technical Infrastructure

63. Countries could implement the FAO/ICES Code of Practice for Consideration of Transfer and Introduction of Marine and Freshwater Organisms and regional bodies could transfer available safe technologies and establish cooperative programmes with national centres. (26(c))

64. Improving seafood quality [and fisheries based industrialization including deep-sea fishing for developing countries, in particular it] will be crucial for promoting trade and meeting social goals linked to nutrition and health. (27)

65. Countries could agree on global quality assurance systems (27(a)) in order to improve consumer confidence and maximize economic returns.

66. Countries with the assistance of FAO could develop programmes to improve handling and processing, reducing post-harvest losses and discards. (27(b))

67. Coastal states could strengthen environmentally sound artisanal and subsistence fishing activities, collaborate with traditional coastal communities for the elimination of unsound ones and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms. (29(c))

Financing and Costing

68. Development agencies and donors should provide technical and financial support through regional organisations. (28(a))

69. Countries could utilize development funding for habitat management [and for action oriented research projects to immediately address prevailing problems]. (24(c))

70. FAO should assist countries to develop a programme for transfer of management methods and environmentally sound fishing technology, particularly for small scale fishing and for the protection of resources with low resilience (marine mammals, sharks), [and trade in tropical fishing for the aquarium business as well as trade in corals.] (24(d))